

FILED

DEC 14 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPIDAVID CREWS, CLERK
BY *S. J. Davis*
Deputy

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:16-CR-118

MATTHEW GLEN ARNOLD, JACKIE DALE ARNOLD,
 MELINDA JEAN CHAFFIN aka JEANIE TAYLOR,
 CHRIS HOLLEY, TYLER W. WILEMON,
 SANDRA ARNOLD aka SANDRA BROWN aka
 SANDRA LYNN LEASE and SAMUEL LEE HOWELL

18 U.S.C. § 371
 16 U.S.C. § 470ee
 18 U.S.C. § 1361

INDICTMENT

The Grand Jury Charges that:

COUNT ONE

From on or about November 6, 2014, to on or about December 4, 2014, in the Northern District of Mississippi and elsewhere, MATTHEW GLEN ARNOLD, JACKIE DALE ARNOLD, MELINDA JEAN CHAFFIN, CHRIS HOLLEY, TYLER W. WILEMON, SANDRA ARNOLD, and SAMUEL LEE HOWELL, defendants, did knowingly and willfully conspire and agree together and with each other and with other individuals both known and unknown to the Grand Jury, to commit the following offenses against the United States, that is:

- (1) knowingly and unlawfully excavating, removing, damaging, and otherwise altering and defacing archeological resources located on designated historic public lands without having a permit to do so, wherein the cost of restoration and repair plus the commercial value of the resources is greater than \$500.00, in violation of Title 16, United States Code, Section 470ee; and
- (2) willfully injuring and committing depredation against property of the United States, or any department or agency thereof, wherein the damage inflicted by the defendants exceeded the sum of \$1000.00, in that the defendants probed, dug, and caused irreparable injury to a Native American

sacred mound located on United States Corps of Engineer property in Tishomingo County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway, in violation of Title 18, United States Code, Section 1361.

During and in furtherance of the conspiracy and to effect the objects of the conspiracy, at least one of the co-conspirators committed at least one of the following overt acts:

- (a) On or about November 6, 2014, MATTHEW GLEN ARNOLD and TYLER W. WILEMON, defendants, excavated and removed Native American artifacts from a Native American sacred mound located on United States Corps of Engineer property in Tishomingo County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway.
- (b) On or about November 8, 2014, MATTHEW GLEN ARNOLD, JACKIE DALE ARNOLD, MELINDA JEAN CHAFFIN, SANDRA ARNOLD, and SAMUEL LEE HOWELL, defendants, excavated and removed Native American artifacts from a Native American sacred mound located on United States Corps of Engineer property in Tishomingo County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway.
- (c) On or about November 11, 2014, MATTHEW GLEN ARNOLD, JACKIE DALE ARNOLD, and CHRIS HOLLEY, defendants, excavated and removed Native American artifacts from a Native American sacred mound located on United States Corps of Engineer property in Tishomingo County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway.
- (d) On or about November 29, 2014, MATTHEW GLEN ARNOLD, MELINDA JEAN CHAFFIN, and SAMUEL LEE HOWELL, defendants, excavated and removed Native American artifacts from a Native American sacred mound located on United States Corps of Engineer property in Tishomingo County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway.

(e) On or about December 4, 2014, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD and MELINDA JEAN CHAFFIN, defendants, excavated and removed Native American artifacts from a Native American sacred mound located on United States Corps of Engineer property in Tishomingo County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway.

(f) On or about January 17, 2015, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD, MELINDA JEAN CHAFFIN, and CHRIS HOLLEY, defendants, excavated and removed Native American artifacts from a Native American sacred mound located on United States Corps of Engineer property in Tishomingo County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

On or about November 6, 2014, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD and TYLER W. WILEMON, defendants, aided and abetted by each other and others known and unknown to the Grand Jury, did knowingly and unlawfully excavate, remove, damage, and otherwise alter and deface archaeological resources located on designated historic public lands without having a permit to do so, and attempt to do the same, wherein the cost of restoration and repair plus the commercial value of the resources is greater than \$500.00, in violation of Title 16, United States Code, Section 470ee(a).

COUNT THREE

On or about November 6, 2014, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD and TYLER W. WILEMON, defendants, aided and abetted by each other and others known and unknown to the Grand Jury, did willfully injure and commit depredation against property

of the United States, or any department or agency thereof, wherein the damage inflicted by the defendants exceeded the sum of \$1000.00, in that the defendant probed, dug, and caused irreparable injury to a Native American sacred mound located on United States Corps of Engineer property in Tishomingo County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway, in violation of Title 18, United States Code, Section 1361.

COUNT FOUR

On or about November 8, 2014, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD, JACKIE DALE ARNOLD, MELINDA JEAN CHAFFIN, SANDRA ARNOLD, and SAMUEL LEE HOWELL, defendants, aided and abetted by each other and others known and unknown to the Grand Jury, did knowingly and unlawfully excavate, remove, damage, and otherwise alter and deface archaeological resources located on designated historic public lands without having a permit to do so, and attempt to do the same, wherein the cost of restoration and repair plus the commercial value of the resources is greater than \$500.00, in violation of Title 16, United States Code, Section 470ee(a).

COUNT FIVE

On or about November 8, 2014, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD, JACKIE DALE ARNOLD, MELINDA JEAN CHAFFIN, SANDRA ARNOLD, and SAMUEL LEE HOWELL, defendants, aided and abetted by each other and others known and unknown to the Grand Jury, did willfully injure and commit depredation against property of the United States, or any department or agency thereof, wherein the damage inflicted by the defendants exceeded the sum of \$1000.00, in that the defendant probed, dug, and caused irreparable injury to a Native American sacred mound located on United States Corps of Engineer property in Tishomingo

County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway, in violation of Title 18, United States Code, Section 1361.

COUNT SIX

On or about November 11, 2014, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD, JACKIE DALE ARNOLD, and CHRIS HOLLEY, defendants, aided and abetted by each other and others known and unknown to the Grand Jury, did knowingly and unlawfully excavate, remove, damage, and otherwise alter and deface archaeological resources located on designated historic public lands without having a permit to do so, and attempt to do the same, wherein the cost of restoration and repair plus the commercial value of the resources is greater than \$500.00, in violation of Title 16, United States Code, Section 470ee(a).

COUNT SEVEN

On or about November 11, 2014, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD, JACKIE DALE ARNOLD, and CHRIS HOLLEY, defendants, aided and abetted by each other and others known and unknown to the Grand Jury, did willfully injure and commit depredation against property of the United States, or any department or agency thereof, wherein the damage inflicted by the defendants exceeded the sum of \$1000.00, in that the defendant probed, dug, and caused irreparable injury to a Native American sacred mound located on United States Corps of Engineer property in Tishomingo County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway, in violation of Title 18, United States Code, Section 1361.

COUNT EIGHT

On or about November 29, 2014, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD, MELINDA JEAN CHAFFIN, and SAMUEL LEE HOWELL, defendants, aided and abetted by each other and others known and unknown to the Grand Jury, did knowingly and

unlawfully excavate, remove, damage, and otherwise alter and deface archaeological resources located on designated historic public lands without having a permit to do so, and attempt to do the same, wherein the cost of restoration and repair plus the commercial value of the resources is greater than \$500.00, in violation of Title 16, United States Code, Section 470ee(a).

COUNT NINE

On or about November 29, 2014, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD, MELINDA JEAN CHAFFIN, and SAMUEL LEE HOWELL, defendants, aided and abetted by each other and others known and unknown to the Grand Jury, did willfully injure and commit depredation against property of the United States, or any department or agency thereof, wherein the damage inflicted by the defendants exceeded the sum of \$1000.00, in that the defendant probed, dug, and caused irreparable injury to a Native American sacred mound located on United States Corps of Engineer property in Tishomingo County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway, in violation of Title 18, United States Code, Section 1361.

COUNT TEN

On or about December 4, 2014, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD and MELINDA JEAN CHAFFIN, defendants, aided and abetted by each other and others known and unknown to the Grand Jury, did knowingly and unlawfully excavate, remove, damage, and otherwise alter and deface archaeological resources located on designated historic public lands without having a permit to do so, and attempt to do the same, wherein the cost of restoration and repair plus the commercial value of the resources is greater than \$500.00, in violation of Title 16, United States Code, Section 470ee(a).

COUNT ELEVEN

On or about December 4, 2014, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD and MELINDA JEAN CHAFFIN, defendants, aided and abetted by each other and others known and unknown to the Grand Jury, did willfully injure and commit depredation against property of the United States, or any department or agency thereof, wherein the damage inflicted by the defendants exceeded the sum of \$1000.00, in that the defendant probed, dug, and caused irreparable injury to a Native American sacred mound located on United States Corps of Engineer property in Tishomingo County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway, in violation of Title 18, United States Code, Section 1361.

COUNT TWELVE

On or about January 17, 2015, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD, MELINDA JEAN CHAFFIN, and CHRIS HOLLEY, defendants, aided and abetted by each other and others known and unknown to the Grand Jury, did knowingly and unlawfully excavate, remove, damage, and otherwise alter and deface archaeological resources located on designated historic public lands without having a permit to do so, and attempt to do the same, wherein the cost of restoration and repair plus the commercial value of the resources is greater than \$500.00, in violation of Title 16, United States Code, Section 470ee(a).

COUNT THIRTEEN

On or about January 17, 2015, in the Northern District of Mississippi, MATTHEW GLEN ARNOLD, MELINDA JEAN CHAFFIN, and CHRIS HOLLEY, defendants, aided and abetted by each other and others known and unknown to the Grand Jury, did willfully injure and commit depredation against property of the United States, or any department or agency thereof, wherein the damage inflicted by the defendants exceeded the sum of \$1000.00, in that the defendant probed, dug,

and caused irreparable injury to a Native American sacred mound located on United States Corps of Engineer property in Tishomingo County, Mississippi, adjacent to the Tennessee-Tombigbee Waterway, in violation of Title 18, United States Code, Section 1361.

FORFEITURE NOTICE

The allegations contained in Counts One through Thirteen of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 16, United States Code, Section 470gg(b) and Title 28, United States Code, Section 2461(c).

Upon conviction of one or more of the offenses in violation of 16 U.S.C. § 470ee set forth in Counts One, Two, Four, Six, Eight, Ten, or Twelve of this Indictment (including conspiracy to violate 16 U.S.C. § 470ee as set forth in Count One), defendants MATTHEW GLEN ARNOLD, JACKIE DALE ARNOLD, MELINDA JEAN CHAFFIN, CHRIS HOLLEY, TYLER W. WILEMON, SANDRA ARNOLD, and SAMUEL LEE HOWELL shall forfeit to the United States pursuant to 16 U.S.C. § 470gg(b) and 28 U.S.C. § 2461(c) all archaeological resources obtained or removed from the land by the defendants or other co-conspirators in violation of the aforesaid statutes and any articles, devices, and other things possessed or used in violation of 16 U.S.C. § 470ee.

If any of the forfeitable property described above, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), incorporated by 28 U.S.C. § 2461(c).

All pursuant to 16 U.S.C. § 470gg(b) and 28 U.S.C. § 2461(c).

A TRUE BILL

Felicia C. Cato
UNITED STATES ATTORNEY

/s/redacted signature
FOREPERSON